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Grant Request Number	GRN-000156
Funding Program Name	Broadband Equity Access and Deployment (BEAD) Program
Funding Request Name	EXECUTIVE OFFICE OF THE STATE OF SOUTH C-BEAD-Initial Proposal-Vol 1-GRN-000156
Applying Organization	EXECUTIVE OFFICE OF THE STATE OF SOUTH CAROLINA
Applicant Name	James Stritzinger

01.01.01 Existing Broadband Funding

As a required attachment, submit the file identifying sources of funding, a brief description of the broadband deployment and other broadband-related activities, the total funding, the funding amount expended, and the remaining funding amount available. Eligible Entities may copy directly from their Five-Year Action Plans.

BEAD Initial Proposal_Volume I_Existing Broad-02-07-2024 03-40-EXECUTIVE OFFICE OF THE STATE OF SOUTH C-GRN-000156.xlsx

01.02.01 Unserved Locations Lists

As a required attachment, submit one CSV file with the location IDs of each unserved location, including unserved locations in applicable Tribal Lands.

Instructions:

The Eligible Entity is required to identify each unserved location under the jurisdiction of the Eligible Entity (including unserved in applicable Tribal Lands) using the most recently published National Broadband Map as of the date of submission of the Initial Proposal. The CSV file should contain the location IDs of unserved locations (named "unserved.csv") and must be a single-column file.

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

unserved-12-08-2023 01-52-EXECUTIVE OFFICE OF THE STATE OF SOUTH C-GRN-000156.csv

01.02.02 Underserved Locations List

As a required attachment, submit one CSV file with the location IDs of each underserved location, including underserved locations in applicable Tribal Lands.

Instructions:

The Eligible Entity is required to identify each underserved location under the jurisdiction of the Eligible Entity (including underserved in applicable Tribal Lands) using the most recently published National Broadband Map as of the date of submission of the Initial Proposal. The CSV file should contain the location IDs of underserved locations (named “underserved.csv”) and must be a single-column file.

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

underserved-12-08-2023 01-52-EXECUTIVE OFFICE OF THE STATE OF SOUTH C-GRN-000156.csv

01.02.03 National Broadband Map Publication Date

Identify the publication date of the National Broadband Map that was used to identify the unserved and underserved locations.

Instructions:

Only the first edition of the National Broadband Map in each month can be selected. The publication date of the National Broadband Map cannot predate the submission of the Initial Proposal by more than 59 days.

2023-11-28

01.03.01 CAI Statutory Definition

Describe how the statutory definition of “community anchor institution” (e.g., schools, libraries, health clinics) was applied, how eligible CAIs were identified, and how network connectivity needs were assessed, including the types of CAIs that the Eligible Entity intends to serve.

Instructions:

The Eligible Entity must include:

- a. A description of how the Eligible Entity applied the statutory definition of the term “community anchor institution” and identified all Eligible CAIs (i.e., “a community anchor institution that lacks access to Gigabit-level broadband service”) in its jurisdiction and in applicable Tribal Lands.

b. A description of how the Eligible Entity assessed the needs of Eligible CAIs, and of what types of CAIs the Eligible Entity intends to receive service under the BEAD Program.

c. A description of the categories of institutions proposed as CAIs, including during the public comment period, if any, that the Eligible Entity considered but declined to classify as an eligible CAI, and a description of the basis on which the Eligible Entity determined that such category of CAI does not facilitate greater use of broadband service by vulnerable populations.

d. If the Eligible Entity proposes service to one or more CAIs in a category not explicitly cited as a type of CAI in Section 60102(a)(2)(E) of the Infrastructure Act*, the basis on which the Eligible Entity determined that such category of CAI facilitates greater use of broadband service by vulnerable populations.

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

*Section 60102(a)(2)(E) of the Infrastructure Act cites CAIs categories as an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

The SCBBO applied the statutory definition of the term “community anchor institution” to follow the series of categories as defined in the BEAD Model Challenge Process guidance document with the exception of facility locations identified in subsections of this narrative that do not directly facilitate greater use of broadband service by vulnerable populations.

Definition of a CAI:

Based on the statutory definition of “community anchor institution” as defined in 47 USC 1702 (a)(2)(E), the Broadband Office applied the definition of “community anchor institution” to mean a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization (including any public housing agency, HUD-assisted housing organization, or Tribal housing organization), or community- support organization that facilitates greater use of broadband service by vulnerable populations including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

Based on the statutory definition above, the following criteria were used to determine the inclusion or exclusion of community support organizations not specifically listed in 47 USC 1702(a)(2)(E):

Whether the community support organization facilitates greater use of broadband service by

vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

The following categories and sources were further refined and used to identify the types of community anchor institutions:

- Schools - Public K-12 schools participating in the FCC E-Rate program or public schools that have an NCES (National Center for Education Statistics) ID in the categories “public schools” or “private schools”, or as designated by the SC Department of Education (SCDOE).

- Libraries - Including all libraries participating in the FCC E-Rate program as well as all member libraries, and their branches, of the American Library Association (ALA) or as designated by the SC State Library system.

- Public housing organizations: Public housing organizations were identified by contacting the Public Housing Agencies (PHAs) for the state or territory enumerated by the U.S. Department of Housing and Urban Development. The nonprofit organizations Public and Affordable Housing Research Corporation (PAHRC) and National Low-Income Housing Coalition maintain a database of nationwide public housing units at the National Housing Preservation Database (NHPD)

- Health clinic, health center, hospital, or other medical providers - The list of rural health clinics, rural health centers, hospitals, and other medical providers includes all institutions that have a Centers for Medicare and Medicaid Services (CMS) identifier.

- Public Safety Entity - The list includes entities such as fire houses, emergency medical service stations, police stations,

and public safety answering points (PSAP), based on records maintained by the Eligible Entity and units of local government. The list of public safety answering points (PSAPs) includes all PSAPs in the FCC PSAP registry.

- Institutions of Higher Education - Institutions of higher education include all institutions that have an NCES ID in the category “college,” including junior colleges, community colleges, minority serving institutions, historically black colleges and universities, other universities, or other educational institutions.

- Community Support Organizations - The Eligible Entity included any organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals. The Eligible Entity included senior centers and job training centers in this category. The Department of Labor maintains a database of “American Job Training” training centers, established as part of the Workforce Investment Act, and reauthorized in the Workforce Innovation and Opportunities Act of 2014. The database can be accessed at the American Job Center Finder. The National Council on Aging (NCOA) helped identify senior centers.

As part of the BEAD Five-Year planning process, the SCBBO launched a county/municipal government-focused broadband survey in which local jurisdictions self-reported connectivity at a facility level. The initiative was called "GetConnectedSC" and is available at <https://getconnectedsc.org>. In addition, the SCBBO also aggregated the best available GIS location data, by category, from numerous data sources. A secondary CAI form has been published on the ORS website under the BEAD program webpage to allow for the inclusion of any additional CAI facilities that may have been missed by any other outreach mechanism.

Where survey responses were limited, facility lists were disseminated as baseline "best available information" in Microsoft Excel format to a cross-section of stakeholders under each associated category to provide additional attribution on the status, need, and availability of Broadband service for a given location. The SCBBO also requested each CAI provide the name of their current provider, the type of Broadband technology currently deployed at their facility, and any back-up technology/plan if available.

Stakeholders were encouraged to review and work with institutions to add any missing CAIs. The SCBBO held stakeholder meetings and attended non-profit conferences to provide an overview of the data being requested; the office described how the data would be used to support the BEAD Challenge Process and discussed the State's approach for providing access to eligible CAIs that lack 1Gbps symmetric speed or higher through the BEAD program.

Stakeholder engagement as part of the BEAD program also included efforts to reach out to the only federally recognized Tribe in South Carolina. While the SCBBO understands these geographies to be served at the time of this submission, a formal consultation occurred on December 7, 2023, with the Catawba Nation in Rock Hill, South Carolina. Representatives from the NTIA, SCBBO, South Carolina Commission for Minority Affairs, and South Carolina Digital Opportunity Department (DOD), were in attendance. During the consultation, it was confirmed by leadership within the Catawba Nation all community buildings in the Catawba Nation already have access to fiber. See attachments regarding tribal consultation meetings referenced in Volume 2 of the SCBBO initial proposal for additional details.

Upon receipt, data were reviewed and verified for completeness and attributed further with the FCC location ID for the corresponding structure within the Broadband Serviceable Location (BSL) fabric when available. One revelation that occurred through this process was that most CAIs were not able to easily identify the level of service that was available beyond the information provided on their Internet bill.

In those instances where fiber technology was listed and no corresponding BDC data could be found, the SCBBO assumed the CAI had access to a minimum of 1 Gbps symmetric service due to the fact the BDC data for South Carolina shows a small of Fiber locations with advertised speeds of less than 1Gbps symmetric service and comments received stating facilities were being upgraded to provide 1 Gbps symmetric service. As an additional measure to verify the quality of data values input around

availability for each CAI, the SCBBO will provide a copy of the interim dataset file to all providers in the State to cross reference those facilities which were reported as being served by their respective organization; feedback from ISPs will be evaluated and discussed, and updates will be made accordingly.

The SCBBO provided a baseline of CAI locations in Microsoft Excel format to stakeholders representing CAI institutions and associated categories. Many of the stakeholders identified in this Initial Proposal currently serve on the South Carolina Broadband Advisory Council (BBAC) and engage with the SCBBO on a regular basis. Representatives of CAIs were able to self-report the status of broadband connectivity needs, as it pertained to their structures, to the stakeholders. The SCBBO continued to use those same entities as a resource for assisting in the determination of operational needs pertaining to adequate broadband connectivity. Representatives were also able to contact the SCBBO office directly with any additional questions about their facility, the office provided supplemental support when requested.

The SCBBO used the statutory guidance of 1Gbps symmetric service to establish foundational needs for all CAIs acknowledging some facilities may have greater demand than the baseline service thresholds established by NTIA. For example, of noted disparity are larger sized K-12 schools throughout the state. Discussions with the South Carolina State E-Rate Coordinator, the South Carolina Department of Education, as well as representatives from ClassLink, a company dedicated to serving as a resource for e-learning across 32 countries, indicated 1Gbps service is likely inadequate for medium to larger schools with a student body present at the facility relying on Internet connectivity as part of their curriculum and testing regimes.

Those CAI facilities that do not have access to reliable 1Gbps symmetric service would be eligible to apply for funds under the BEAD program administered by the SCBBO and shall be included as the required CSV file for item 1.3.2 of this Initial Proposal. Prioritization includes supporting those CAIs that serve the greatest community need that facilitates greater use of broadband service in support of vulnerable populations from a safety, emergency response, and preparedness perspective that currently have no service, followed by CAIs that are underserved with less than 1Gbps service currently available at a facility location. Preliminary indications are that fire departments and police stations in rural areas throughout the State typically lack access to 1 Gbps or greater service.

Below is a comprehensive list of agencies and organizations contacted by the SCBBO that were leveraged to identify and assess the network connectivity needs of CAIs throughout the State:

Engaged Government Agencies

- South Carolina Emergency Management Division (EMD)
- South Carolina Revenue and Fiscal Affairs Office (RFA)

- South Carolina Law Enforcement Division (SLED)
- South Carolina Department of Public Safety
- South Carolina E-Rate Office
- South Carolina Department of Health and Environmental Control (DHEC)
- South Carolina Geographic Information Council (GIC)
- South Carolina Department of Administration
- South Carolina Department of Labor, Licensing, and Regulation (LLR)
- South Carolina Commission on Higher Education
- South Carolina State Library System
- South Carolina Office on Aging
- South Carolina Department of Social Services

Engaged Relevant Umbrella Organizations and Non-Profits

- TogetherSC
- Rural Health Centers
- South Carolina Association of Counties
- South Carolina Municipal Association

Houses of worship, chambers of commerce, and small business associations will not be classified as CAIs, the SCBBO decided that these proposed categories of institutions do not match the definition for CAI and thus will not include these specific types of facilities. While these institutions play a vital role in our communities, the SCBBO could not justify the notion that community-support organizations within these categories facilitate greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the formerly incarcerated, and aged individuals in a universal manner.

01.03.02 Eligible CAI List

As a required attachment, submit the CSV file (named cai.csv) that lists eligible community anchor institutions that require qualifying broadband service and do not currently have access to such service, to the best of the Eligible Entity's knowledge.

Instructions:

The Eligible Entity must submit a CSV file with a list of eligible CAI locations identified within the jurisdiction of the Eligible Entity, using the data format provided by NTIA. The Eligible Entity must complete all mandatory fields in the file named "cai.csv" as outlined in Appendix A of the NTIA BEAD Challenge Process Policy Notice. Address information must identify the physical location of the community anchor institutions, not the administrative location. For example, the address should describe the location of the school building, not that of the board of education administrative building.

cai-02-07-2024 03-51-EXECUTIVE OFFICE OF THE STATE OF SOUTH C-GRN-000156.csv

01.04.01 NTIA Model Challenge Process: Challenge

Select if the Eligible Entity plans to adopt the NTIA Challenge Process Model for Requirement 7.

Instructions:

The Eligible Entity must indicate whether or not it intends to adopt the NTIA BEAD Model Challenge Process for Requirement 7.

Yes

01.04.02 Modifications to National Broadband Map

If applicable, describe any modifications to classification of broadband serviceable locations in the Eligible Entity's jurisdiction as "served," "underserved," or "unserved," and provide justification for each modification.

Instructions:

Eligible Entities may, subject to the approval of the Assistant Secretary, modify the set of locations identified as eligible for funding on the National Broadband Map to reflect data not present in the National Broadband Map. If the Eligible Entity plans to modify the classification of locations, it must include a description of each proposed modification and each associated justification. If the Eligible Entity will not plan to modify the set of locations identified as eligible for funding on the National Broadband Map, indicate "N/A" in the response.

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance."

The SCBBO will treat locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is "served") delivered via DSL as "underserved." This modification will better reflect the locations eligible for BEAD funding because it will facilitate the phase-out of legacy copper facilities and ensure the delivery of "future-proof" broadband service. This designation cannot be challenged or rebutted by the provider.

The broadband office will treat as "underserved" locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is "served") due solely to the availability of Cellular Fixed Wireless Access (CFWA) as "underserved." The broadband office has determined that this modification, and the corresponding rebuttal opportunity, will assist the office in determining the availability of networks with sufficient capacity to meet the expected consumer demand for qualifying broadband in the relevant area. The broadband office has determined that [6,731] BSLs are affected by this modification. The affected CFWA provider will have an opportunity to rebut this modification. To successfully rebut this modification, the cellular fixed wireless provider must demonstrate that it:

- o is providing 100/20 Mbps or better service at the relevant locations; and
- o has sufficient network capacity to simultaneously serve (i.e., as concurrently active subscribers) at least 80% of claimed locations in the relevant coverage areas. As one option for making such a showing, a provider may describe how many fixed locations it serves from each cell tower and the amount of per-user averaged bandwidth it uses for capacity planning. A capacity of 5 Mbps for each claimed location is considered sufficient.

01.04.03 Eligible Entity Planning Toolkit

Select if the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

Yes

01.04.04 Enforceable Commitments Identification

Describe the process that will be used to identify and remove locations subject to enforceable commitments.

Instructions:

If the Eligible Entity plans to adopt the NTIA BEAD Model Challenge Process, the Eligible Entity must copy in the Model language and add in the unique information required from each Eligible Entity as specified in the Model.

If the Eligible Entity does not adopt the NTIA BEAD Model Challenge process, the Eligible Entity must:

- a. Describe the process used to identify and remove locations subject to enforceable commitments, and
- b. Outline whether or not the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit.

If the Eligible Entity does not plan to use the BEAD Eligible Entity Planning Toolkit, the Eligible Entity must also include the following information:

- a. A description of the technology or tool to be used for deduplication, including explanation of its capacity to aggregate multiple data sources to create an accurate list of existing federal, state/territory, and local commitments.
- b. Assurance that the process to identify and remove enforceable commitments will analyze, at a minimum:
 - i. All programs included in the Broadband Funding Map published by FCC pursuant to Section 60105 of the Infrastructure Act as of the date of the deduplication of funding process.
 - ii. All state or territorial and local broadband deployment programs, including those that utilize funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

The SCBBO will enumerate locations subject to enforceable commitments by using the BEAD Eligible Entity Planning Toolkit and consult at least the following data sets:

1. The Broadband Funding Map published by the FCC pursuant to IJA § 60105.
2. Data sets from state broadband deployment programs that rely on funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.
3. SCBBO and local data collections of existing enforceable commitments.

The SCBBO will make a best effort to create a list of BSLs subject to enforceable commitments based on state/territory or local grants or loans. If necessary, the SCBBO will translate polygons or other geographic designations (e.g., a county or utility district) describing the area to a list of Fabric locations. The SCBBO will submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA.

The SCBBO will review its repository of existing state and local broadband grant programs to validate the upload and download speeds of existing binding agreements to deploy broadband infrastructure. In situations in which the SCBBO or local program did not specify broadband speeds or when there was reason to believe a provider deployed higher broadband speeds than required, the SCBBO will reach out to the provider to verify the deployment speeds of the binding commitment. The SCBBO will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed.

The SCBBO drew on these provider agreements, along with its existing database on state and local broadband funding programs' binding agreements, to determine the set of South Carolina-based and local enforceable commitments.

01.04.05 Enforceable Commitments List

As a required attachment, submit the list of the federal, state/territorial, and local programs that will be analyzed to remove enforceable commitments from the set of locations eligible for BEAD funding.

Instructions:

The Eligible Entity must list the programs that will be analyzed to identify existing enforceable commitments. If the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit and/or the NTIA BEAD Model Challenge Process, the Eligible Entity must list any state or territorial and local programs that constitute enforceable commitments.

If the Eligible Entity does not plan to use the BEAD Eligible Entity Planning Toolkit, the Eligible Entity must list the federal, state or territorial, and local programs that will be analyzed to identify existing enforceable commitments. These programs must include, at a minimum:

- a. All programs included in the Broadband Funding Map published by FCC pursuant to the Infrastructure Act § 60105, and
- b. All state or territorial and local broadband deployment programs, including those that utilize funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

BEAD Initial Proposal_Volume I_Deduplication -12-08-2023 03-54-EXECUTIVE OFFICE OF THE STATE OF SOUTH C-GRN-000156.xlsx

01.04.06 Challenge Process Design

Describe the plan to conduct an evidence-based, fair, transparent, and expeditious challenge process.

Instructions:

If the Eligible Entity plans to adopt the NTIA BEAD Model Challenge Process, the Eligible Entity must copy in the Model language and add in the unique information required from each Eligible Entity, outlined in the Model.

If the Eligible Entity does not plan to adopt the NTIA BEAD Model Challenge Process, the Eligible Entity must include in its response:

- a. The proposed approach for the challenge process, including the publication of eligible locations, challenge phase, rebuttal phase, and final determination phase.
- b. Challenge types permitted, including the identification of community anchor institutions, existing Broadband Serviceable Location (BSL) and community anchor institution BEAD funding eligibility determinations, enforceable commitments, and planned service.
- c. Challengers permitted: units of local government, nonprofit organizations, and broadband service providers.
- d. Proposed evidentiary review process through which the Eligible Entity will review and make determinations based on challenges and rebuttals received. If the Eligible Entity decides to add any additional data sources to or remove from the list as outlined in Table 3 “Examples of Acceptable Evidence for BEAD Challenges and Rebuttals” in the NTIA BEAD Challenge Process Policy Notice, it must respond to question 1.4.7 and outline the proposed sources and requirements that will be considered acceptable evidence.
- e. Requirements for acceptable speed tests (e.g., number of speed tests, geographic distribution, speed test collection time), if applicable.
- f. Plan to ensure that sufficient opportunity and time is given to all relevant parties to initiate, rebut, and substantiate challenges, and that the challenge process standards of review are applied uniformly to all challenges submitted.
- g. The plan to ensure transparency, including:
 - i. The plan to publicly post documentation explaining the challenge process once it is approved by NTIA (prior to beginning the challenge process).

- ii. The plan to post all submitted challenges and rebuttals before final determinations are made, including information from the NTIA BEAD Challenge Process Policy Notice.
 - iii. The plan to host a website, including the link to the website's URL, if the hosting website already exists.
 - iv. The plan to inform units of local government, relevant nonprofit organizations and broadband providers to the challenge process and its deadlines.
- h. The plan to ensure the protection of Personally Identifiable Information (PII), business confidential, and proprietary information, including anyone who will have access to any PII submitted through the challenge process (e.g., provider's subscriber PII), including through state/territory public records processes.
- i. The overall timeline, with tentative dates of initiation and completion, for the challenge process. The timeline must also include the plan to ensure that:
- i. The proposed challenge process will be completed within 120 days, starting with the initiation of the challenge submission window.
 - ii. The proposed challenge process will include a minimum 14-day window to file a rebuttal after the challenge is available on the challenge portal.
 - iii. The proposed challenge process will publicly post final classification of eligible locations after resolving each challenge, at least 60 days before allocating grant funds for network deployment.

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

Based on the NTIA BEAD Challenge Process Policy Notice, as well as the SCBBO's understanding of the goals of the BEAD program, the proposal represents a transparent, fair, expeditious, and evidence-based challenge process.

Permissible Challenges

The SCBBO will only allow challenges on the following grounds:

- The identification of eligible CAIs, as defined by the Eligible Entity,
- CAI BEAD eligibility determinations,
- BEAD eligibility determinations for existing broadband serviceable locations (BSLs),
- Enforceable commitments,

•or Planned service.

Permissible Challengers

During the BEAD Challenge Process, the SCBBO will only allow challenges from nonprofit organizations, units of local and tribal governments, and broadband service providers.

Challenge Process Overview

The challenge process conducted by the SCBBO will include four phases, spanning 90 days.

Publication of Eligible Locations: Prior to beginning the Challenge Phase, the SCBBO will publish the set of locations eligible for BEAD funding, which consists of the locations resulting from the activities outlined in Sections 5 and 6 of the NTIA BEAD Challenge Process Policy Notice (e.g., administering the de-duplication of funding process). The SCBBO will also publish locations considered served, as they may be challenged. [No later than **April 15, 2024** ~~April 1, 2024~~]

Challenge Phase: During the Challenge Phase, the challenger will submit the challenge through the SCBBO's challenge portal. This challenge will be visible to the service provider whose service availability and performance is being contested. The portal will notify the provider of the challenge through an automated email, which will include related information about timing for the provider's response. After this stage, the location will enter the "challenged" state. The SCBBO will only accept challenges at an individual BSL level (i.e. no area challenges). This deviation from the model challenge process is to ensure one-to-one fact-based evidence is linked to each single location throughout the BEAD challenge phase.

Minimum Level of Evidence Sufficient to Establish a Challenge: The challenge portal will verify that the address provided can be found in the Fabric and is a BSL. The challenge portal will confirm that the challenged service is listed on the National Broadband Map and meets the definition of reliable broadband service. [The challenge will confirm that the email address is reachable by sending a confirmation message to the listed contact email.] For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR). For availability challenges, the SCBBO will manually verify that the evidence submitted falls within the categories stated in the NTIA BEAD Challenge Process Policy Notice and the document is unredacted and dated.

Timeline: Challengers will have 30 calendar days to submit a challenge from the time the initial list of unserved and underserved locations, community anchor institutions, and existing enforceable commitments are posted. [No later than **May 14, 2024** ~~April 30, 2024~~]

Rebuttal Phase: For challenges related to location eligibility, only the challenged service provider may rebut the reclassification of a location with evidence. If a provider claims gigabit service availability for a CAI or a unit of local government disputes the CAI status of a location, the CAI may rebut. All types of challengers may rebut planned service (P) and enforceable commitment (E) challenges. If a challenge

that meets the minimum level of evidence is not rebutted, the challenge is sustained. A provider may also agree with the challenge and thus transition the location to the “sustained” state. Providers must regularly check the challenge portal notification method (e.g., email) for notifications of submitted challenges. The SCBBO will only accept rebuttals at an individual BSL level (i.e. no area rebuttals). This deviation from the model challenge process is to ensure one-to-one fact-based evidence is linked to each single location throughout the BEAD rebuttal phase.

Timeline: Registered participants will have 30 calendar days from the commencement of the rebuttal period to submit a rebuttal. The rebuttal period will begin at the end of the challenge period and last for 30 calendar days. [No later than **June 14, 2024** ~~May 30, 2024~~]

Final Determination Phase: During the Final Determination phase, the SCBBO will make the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.”

Timeline: Final determinations will not happen until the end of the rebuttal period and the commencement of the final determination period which will last for 30 calendar days. [The Final Determination Phase will close no later than **July 14, 2024** ~~June 30, 2024~~]

Evidence & Review Approach: To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, the broadband office will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. The broadband office will document the standards of review to be applied in a Standard Operating Procedure and will require reviewers to document their justification for each determination. The broadband office plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. The SCBBO will also require that all reviewers submit affidavits to ensure there is no conflict of interest in making challenge determinations. Unless otherwise noted, “days” refers to calendar days.

Code: A

Challenge Type: Availability

Description: The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).

Specific Examples: Screenshot of provider webpage. A service request was refused within the last 180 days (e.g., an email or letter from provider). Lack of suitable infrastructure (e.g., no fiber on pole). A letter or email dated within the last 365 calendar days that a provider failed to schedule a service installation or offer an installation date within 10 business days of a request which will account for newer infrastructure. A letter or email dated within the last 365 days indicating that a provider

requested more than the standard installation fee to connect this location or that a Provider quoted an amount in excess of the provider's standard installation charge in order to connect.

Permissible Rebuttals: Provider shows that the location subscribes or has subscribed within the last 12 months, e.g., with a copy of a customer bill. If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability.

The provider submits evidence that service is now available as a standard installation, e.g., via a copy of an offer sent to the location.

Code: S

Challenge Type: Speed

Description: The actual speed of the service tier falls below the unserved or underserved thresholds.

Specific Examples: Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests.

Permissible Rebuttals: Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system.

Code: D

Challenge Type: Data cap

Description: The only service plans marketed to consumers impose an unreasonable capacity allowance ("data cap") on the consumer.

Specific Examples: Screenshot of provider webpage. Service description provided to consumer.

Permissible Rebuttals: Provider has terms of service showing that it does not impose an unreasonable data cap or offers another plan at the location without an unreasonable cap.

Code: T

Challenge Type: Technology

Description: The technology indicated for this location is incorrect.

Specific Examples: Manufacturer and model number of residential gateway (CPE) that demonstrates the service is delivered via a specific technology.

Permissible Rebuttals: Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service.

Code: B

Challenge Type: Business service only

Description: The location is residential, but the service offered is marketed or available only to businesses.

Specific Examples: Screenshot of provider webpage.

Permissible Rebuttals: Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers.

Code: E

Challenge Type: Enforceable Commitment

Description: The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.

Specific Examples: Enforceable commitment by service provider (e.g., authorization letter). In the case of Tribal Lands, the challenger must submit the requisite legally binding agreement between the relevant Tribal Government and the service provider for the location(s) at issue (see Section 6.2 above).

Permissible Rebuttals: Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., is no longer a going concern).

Code: P

Challenge Type: Planned service

Description: The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.

- Specific Examples: Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained.
- Contracts or a similar binding agreement between the Eligible Entity and the provider committing that planned service will meet the BEAD definition and requirements of reliable and qualifying broadband

even if not required by its funding source (i.e., a separate federal grant program), including the expected date deployment will be completed, which must be on or before June 30, 2024.

Permissible Rebuttals: Documentation showing that the provider is no longer able to meet the commitment (e.g., is no longer a going concern) or that the planned deployment does not meet the required technology or performance requirements.

Code: N

Challenge Type: Not part of enforceable commitment.

Description: This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)

Specific Examples: Declaration by service provider subject to the enforceable commitment.

Permissible Rebuttals:

Code: C

Challenge Type: Location is a CAI

Description Type: The location should be classified as a CAI.

Specific Examples: Evidence that the location falls within the definitions of CAI set by the Eligible Entity.

Permissible Rebuttals: Evidence that the location does not fall within the definitions of CAI set by the Eligible Entity or is no longer in operation.

Code: R

Challenge Type: Location is not a CAI

Description Type: The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation.

Specific Examples: Evidence that the location does not fall within the definitions of CAI set by the Eligible Entity or is no longer in operation.

Permissible Rebuttals: Evidence that the location falls within the definitions of CAI set by the Eligible Entity or is still operational.

Code: V

Challenge Type: DSL

Description: Pre-challenge modification for DSL technology.

Specific Examples: No location-specific evidence required.

Permissible Rebuttals: Not rebuttable.

Code: F

Challenge Type: Fixed Wireless

Description: Pre-challenge modification for fixed wireless technology.

Specific Examples: No location-specific evidence required.

Permissible Rebuttals: Rebuttal evidence described in the Eligible Entity's approved IP Volume I.

[Optional Speed Test Module] Speed Test Requirements

The broadband office will accept speed tests as evidence for substantiating challenges and rebuttals. Each speed test consists of three measurements, taken on different days. Speed tests cannot predate the beginning of the challenge period by more than 60 calendar days.

Speed tests can take the following forms:

1. A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC),
2. ONT (for FTTH), or fixed wireless subscriber module.
3. A reading of the speed test available from within the residential gateway web interface.
4. A reading of the speed test found on the service provider's web page.
5. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using a [NTIA-approved speed test application listed below.]

Each speed test measurement must include:

- The time and date the speed test was conducted.
- The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.

Each group of three speed tests must include:

- The name and street address of the customer conducting the speed test.
- A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice).

- An agreement, using an online form provided by the Eligible Entity, that grants access to these information elements to the Eligible Entity, any contractors supporting the challenge process, and the service provider.

The IP address and the subscriber's name and street address are considered personally identifiable information (PII) and thus are not disclosed to the public (e.g., as part of a challenge dashboard or open data portal).

Each location must conduct three speed tests on three different days; the days do not have to be adjacent. The median of the three tests (i.e., the second highest (or lowest) speed) is used to trigger a speed-based (S) challenge, for either upload or download. For example, if a location claims a broadband speed of 100 Mbps/25 Mbps and the three speed tests result in download speed measurements of 105, 102 and 98 Mbps, and three upload speed measurements of 18, 26 and 17 Mbps, the speed tests qualify the location for a challenge, since the measured upload speed marks the location as underserved.

Speed tests may be conducted by subscribers, but speed test challenges must be gathered and submitted by units of local government, nonprofit organizations, or a broadband service provider.

Subscribers submitting a speed test must indicate the speed tier they are subscribing to. Since speed tests can only be used to change the status of locations from "served" to "underserved", only speed tests of subscribers that subscribe to tiers at 100/20 Mbps and above are considered. If the household subscribes to a speed tier of 100/20 Mbps or higher and the speed test yields a speed below 100/20 Mbps, this service offering will not count towards the location being considered served. However, even if a particular service offering is not meeting the speed threshold, the eligibility status of the location may not change. For example, if a location is served by 100 Mbps licensed fixed wireless and 500 Mbps fiber, conducting a speed test on the fixed wireless network that shows an effective speed of 70 Mbps does not change the status of the location from served to underserved.

****Acceptable Speed Test Applications:**

NTIA has approved the following applications for conducting speed tests:

- Ookla (<https://www.speedtest.net/>)
- M-Lab (<https://speed.measurementlab.net/#/>)
- Cloudflare (<https://speed.cloudflare.com/>)
- Netflix (<https://fast.com/>)
- Speed test sites operated or sponsored by the Eligible Entity (including commercial test aggregators)

Transparency Plan

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, the

SCBBO will, upon approval from the NTIA, publicly post an overview of the challenge process phases, challenge timelines, and instructions on how to submit and rebut a challenge. This documentation will be posted publicly for at least a week prior to opening the challenge submission window. The SCBBO also plans to actively inform all units of county and municipal government of its challenge process through email listserv's distributed by the South Carolina Association of Counties and the South Carolina Municipal Association. The SCBBO will also utilize the SCBBO Broadband notification distribution list and will set up regular touchpoints to address any comments, questions, or concerns from local governments, nonprofit organizations, and ISPs alike. Stakeholders can sign up on the SCBBO website

[<https://arcg.is/1ueqja1>] for challenge process updates and information messages. They can engage with the SCBBO via a designated email address BEAD@ors.sc.gov. Providers will be notified of a challenge by an automated email. The automated email will be sent to the provider once the SCBBO confirms the challenge is a valid challenge and evidence has been submitted to substantiate the challenge. The automated email will contain a link the provider must use to refute the challenge.

Beyond actively engaging relevant stakeholders, the SCBBO will also post all submitted challenges and rebuttals before final challenge determinations are made, including:

- the provider, nonprofit, or unit of local government that submitted the challenge,
- the census block group containing the challenged broadband serviceable location,
- the provider being challenged, the type of challenge (e.g., availability or speed), and
- a summary of the challenge, including whether a provider submitted a rebuttal.

The SCBBO will not publicly post any personally identifiable information (PII) or proprietary information, including subscriber names and customer IP addresses. All information posted will be public information already available online on the FCC National Broadband map. To ensure all PII is protected, the SCBBO will review the basis and summary of all challenges and rebuttals to ensure PII is removed prior to posting them on their website. Additionally, guidance will be provided to all challengers as to which information they submit may be posted publicly.

The SCBBO will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistent with applicable federal and South Carolina state law. If any of these responses do contain information or data that the submitter deems to be confidential commercial information that should be exempt from disclosure under state open records laws or is protected under applicable state privacy laws, that information must be identified as privileged or confidential by the submitter watermarked diagonally on the record itself and tagged as part of the filename. Otherwise, the responses will be made publicly available.

These requirements will be published on the ORS website as part of the challenge process and will further be referenced within grant guidelines and grant agreements pertaining to the BEAD program, which will be inclusive of any other ancillary data, documentation, and/or information that may be required through the course of the project period of performance.

01.04.06.01 Challenge Process Design Acceptable Evidence

As a required attachment only if the Eligible Entity is not using the NTIA BEAD Model Challenge Process, outline the proposed sources and requirements that will be considered acceptable evidence.

Instructions:

If the Eligible Entity plans to adhere to the sources outlined in Table 3 “Examples of Acceptable Evidence for BEAD Challenge and Rebuttals” in the NTIA BEAD Challenge Process Policy Notice, the Eligible Entity will not be required to complete the attachment. Otherwise, the Eligible Entity must list any proposed data sources that will be accepted as sufficient evidence that are not included in the NTIA BEAD Challenge Process Policy Notice. Additionally, the Eligible Entity must also indicate any data sources that are included in the NTIA BEAD Challenge Process Policy Notice that will not be accepted as sufficient evidence.

- To add an additional data source: the Eligible Entity must complete all columns and indicate in column 3 (“Proposed Change to NTIA BEAD Policy Notice”) whether the Eligible Entity will add or remove this data source as outlined in the NTIA BEAD Challenge Process Policy Notice.
- To remove an approved data source: the Eligible Entity can skip columns 3 and 4 (i.e., “Data Source Requirements” and “Permissible Rebuttal”) and fill out only columns 1 and 2 (i.e., “Challenge Type” and “Data Source”).

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

Volume I Waivers

Upload an attachment(s) detailing the waiver request(s) for the requirements related to Volume I. Please draft the waiver request(s) using the Waiver Request Form template.

01.05.01 Volume I Public Comment

Describe the public comment period and provide a high-level summary of the comments received during the Volume I public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:

- a. The public comment period was no less than 30 days; and
- b. Outreach and engagement activities were conducted to encourage feedback during the public comment period.

After a draft copy of South Carolina's Initial Proposal (Volumes 1 and 2) was published on the ORS website, the SCBBO launched a public comment period. It began October 30 and lasted through November 30, 2023, to satisfy the NTIA required thirty-calendar day window.

Directions for submitting public comments were provided on the same ORS webpage, including linkage to an online form to receive and categorize comments on all aspects of the Initial Proposal.

Once publication was complete, the SCBBO utilized multiple social media channels as well as an email blast to all Internet Service Provider (ISPs) that have participated in any of our grant programs to inform and invite them to make public comments. The 22-member South Carolina Broadband Advisory Council was also informed about the Initial Proposal and they were each encouraged to separately invite their stakeholders to participate in the public comment period.

After allowing the public to download and review the South Carolina initial proposal for about a week, the SCBBO developed a set of presentation materials and conducted a webinar on Wednesday Nov. 8, 2023, at 10am to walk interested parties through the document. The SCBBO team walked the audience through each of the major sections of the Initial Proposal, provided rationale for strategic decisions, and concluded with instructions on how to formally make a public comment. The complete webinar was recorded and can be viewed on the ORS website. In addition, all presentation materials were added to the ORS website.

Next, the SCBBO took advantage of a variety of public speaking opportunities to inform key stakeholders about the Initial Proposal and the opportunity to participate in public comment. The following events were very impactful:

Nov. 15, 2023 SC Telecommunications and Broadband Association Annual Conference Audience: Rural Telephone Companies in SC, roughly 200 individuals

Nov. 27, 2023 Broadband Cooperatives Audience: Government affairs team for Electric and Telephone Cooperatives, 3 individuals

Nov. 27, 2023 SC Cable and Broadband Association Audience: Large SC cable companies (Charter and Comcast), 10 individuals

As a result of these and other efforts, specific to Volume 1, the SCBBO obtained public comment from 10 different entities including 3 Internet Service Provider, 1 local trade association, 1 county government, and 4 national trade associations.

In total, we received 23 discrete suggestions for different parts of Volume 1 and many of the suggestions were supported by multiple entities. Of the 23 suggestions, 7 resulted in changes to this Volume 1 submittal.

Here is a breakdown of the Vol 1 public comment impact by section:

1.2 Unserved and Underserved Locations (3 recommendations)

Modified details including evidence requirements and pre-challenge modifications.

1.3 CAI Definition (3 Recommendations)

Clarified CAI definition, modified construction end date for Planned Service and added provisions for Publicly Funded or Non-Profit Funded MDU.

1.4 Challenge Process (1 Recommendation)

Modified Planned Service construction end date.

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01.05.02 Volume I Supplemental Materials

As an optional attachment, submit supplemental materials to the Volume I submission and provide references to the relevant requirements. Note that only content submitted via text boxes, certifications, and file uploads in sections aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed, and supplemental materials submitted here are for reference only.

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